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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,093	05/04/2001	Pracrit Garg	MSFT-0222/158379.2	9404

41505 7590 03/15/2007
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EXAMINER

DINH, MINH

ART UNIT PAPER NUMBER

2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/849,093

Applicant(s)

GARG ET AL.

Examiner

Minh Dinh

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-29,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-29,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed 12/20/06. Claims 10 and 12-29 have been amended; claims 30-32 have been cancelled; claims 33-34 have been added.

Response to Arguments

2. Applicant's arguments with respect to the rejections of claims 10 and 12-32 under 35 USC 112, first paragraph, for failing to comply with the written description requirement, have been considered and are persuasive. However, applicant's amendments (i.e., by deleting the term "tangible", and thus making the claims "computer readable claims") have necessitated new grounds of rejections that are not based on prior art.

3. Applicant's arguments with respect to the rejections of claims 1-10 and 12-32 under 35 USC 102(e) have been fully considered but they are not persuasive. Applicant argues that Swift (6,308,274) does not allow one to grant access based on dynamic data or dynamic policies (page 10, 2nd paragraph). Swift discloses using a restricted token in controlling a user's access to a resource wherein the restricted token is created based on the user as well as the type of process/application used by the user to access

the resource (col. 6, lines 38-47), and the type of process/application used by the user is dynamic data. Swift also discloses a dynamic policy for accessing a resource wherein the resource can be accessed by a user using one type of process but not another type of process, e.g., MSWord and MSEExcel are allowed, but not Internet Explorer (fig. 5; col. 7, lines 50-61; col. 11, lines 57-65).

Applicant argues that the restricted tokens themselves are not generated for the same user according to dynamic factors and are associated with process, but not users (page 10, last paragraph). Swift discloses that the restricted token is created based on the user (i.e., the regular/parent token associated with an authenticated user) as well as the type of process/application used by the user to access the resource (fig. 2, elements 60 and 84; col. 6, lines 38-47; fig. 5, elements 88 and 92).

Applicant argues that Swift does not evaluate a client authorization context or access request based on dynamic data and dynamic policy (end of page 11). Swift discloses that when a user is authenticated, an authorization/security context (i.e., a regular access token) is created for the user (fig. 2, element 60; col. 4, lines 46-60). Then, a restricted access token is created based on the regular access token and dynamic data such as the type of process/application used by the user to access a resource (fig. 2, element 84; fig. 5, elements 84 and 92; col. 6, lines 4-28; col. 7, lines

50-61). Swift further discloses that the use of restricted tokens allows restricting access to a resource based on a dynamic policy (col. 7, lines 50-64; col. 11, lines 57-65)

Claim Objections

4. Claim 33 is objected to because of the following informalities:
- "a callback a callback" (line 7)
 - "dynamic groups" (line 11) should be "dynamic groups function(s)"
- Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 10, 12-29 and 33-34 are rejected under 35 U.S.C. 101. The claims are directed to a computer readable medium that provides computer executable instructions. Such a computer readable medium includes encoded signals (see Specification, page 7, lines 12-16 and 23-27), which does not fall within one of the four statutory classes of § 101. Applicant is suggested to change the claimed subject matter from "a computer readable medium" to "a computer storage medium". Please refer to Annex IV of

Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, 1300 Off. Gaz. Pat. Office 142 (Nov. 22, 2005) (Patent Subject Matter Eligibility Interim Guidelines).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 33-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 33, which is a new claim, recites the limitation "automatically invoking a dynamic access check callback function by access check application programming interfaces that initialize a client authorization context from a system level authorization context or a user's security identifier, whereby when a user attempts to connect to the application, the registered dynamic access check callback function is invoked such that the client context is augmented with client contextual data dynamically computed using said dynamic data." The originally filed specification does

not disclose using/invoking a dynamic access check callback function to (i) initialize a client authorization context from a system level authorization context or a user's security identifier, or (ii) augment the client context with client contextual data dynamically computed using said dynamic data.

Therefore, the limitation is considered new matter. Claims that are not specifically addressed are rejected by virtue of their dependency.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 33 recites the limitation "the registered dynamic access check callback function" in line 21. There is insufficient antecedent basis for this limitation in the claim. Claims that are not specifically addressed are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-10 and 12-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Swift (6,308,274).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 3-4, 10-15 and 22, Swift discloses a method for dynamically managing access to a resource in a computer system having a client making a request for the resource, the method comprising:

computing a client authorization context after the request for the resource is received from the client (col. 4, lines 46-55);

determining, via an application programming interface, based upon dynamic data and first dynamic policy whether the client authorization context is to be updated, wherein said first dynamic policy is tailored to an

application through which the resource is accessed (col. 6, line 5 – col. 7, line 35);

updating the client authorization context according to said determination (col. 6, line 5 – col. 7, line 35);

comparing the client authorization context to at least one access control entry of an access control list (col. 7, lines 51-61);

identifying an access control entry as an access control entry of type allow and when the allow access control entry applies in access evaluation, dynamic access check using dynamic data is automatically invoked (col. 5, lines 2-11; col. 7, lines 51-61; col. 11, lines 21-65), the allow access control entry being functionally equivalent to a callback access control entry; and

in response to identifying the access control entry as a callback access control entry, evaluating, via said application programming interface, based upon the dynamic data and the second dynamic policy whether said allow access control entry bears on said access request, wherein said second dynamic policy is tailored to said application (col. 5, lines 2-11; col. 7, lines 51-61; col. 11, lines 21-65).

Regarding claim 2, Swift further discloses that the first dynamic policy defines flexible rules for determining the client authorization context (col. 6, lines 5-27; col. 12, lines 16-45) and wherein said second dynamic policy

defines flexible rules for purposes of determining access privileges (col. 7, lines 51-61; col. 11, lines 21-65).

Regarding claims 5, 16 and 23, Swift further discloses that the evaluating based upon dynamic data includes invoking an application-defined dynamic access check routine that performs based in part upon dynamic data such as a Boolean expression in the access control list, the Boolean expression indicating a condition for granting access to the resource (col. 11, lines 21-65; col. 12, lines 46-67). Since access is evaluated using data in each access control entry, inherently, the Boolean expression is part of the callback access control entry.

Regarding claims 6, 17 and 24, Swift further discloses that the access check routine is invoked automatically when there is a match between an identifier in the client authorization context and an identifier in the callback access control entry (col. 7, lines 51-61; col. 11, lines 21-65).

Regarding claims 7 and 18, Swift further discloses registering with the operating system, which is the resource manager of the computer system, an application-defined routine for determining dynamic groups (col. 6, lines 38-47; col. 12, lines 36-67).

Regarding claims 8 and 19, Swift further discloses an application-defined routine for determining dynamic access checks is performed by the security mechanism in the kernel (col. 11, lines 10-20). Inherently, the

routine is registered with the operating system, which is the resource manager of the computer system.

Regarding claims 9, 21 and 25, Swift further discloses that the evaluating based upon dynamic data and second dynamic policy supplements a determination of access rights based upon static data and policy (col. 11, lines 38-56).

Regarding claim 20, Swift further discloses comparing data to a client authorization context determined based upon static data and policy before determining whether the client authorization context is to be updated (col. 7, lines 5-22; col. 8, lines 8-17).

Regarding claim 26, Swift discloses for an application in a computer system having a resource manager that manages and controls access to a resource, carrying out a dynamic authorization callback mechanism that provides extensible support for application-defined business rules via a set of APIs and DACLS including a dynamic groups element, which enables an application to assign temporary group membership, based on dynamic factors, to a client for the purpose of checking access rights (col. 5, lines 2-28; col. 6, lines 15-27; col. 7, lines 5-22; col. 8, lines 30-60; col. 11, lines 10-56).

Regarding claim 27, Swift further discloses a dynamic access check element, which enables an application to perform dynamic access checks,

via DACLS and APIs, said dynamic access checks being customized to the application (col. 13, lines 20-56).

Regarding claim 28, Swift further discloses that the dynamic groups element and a dynamic access element are performed at the operating system level (col. 13, lines 20-56). Inherently the elements are registered with the operating system which is the resource manager of the computer system.

Regarding claim 29, Swift further discloses that the dynamic groups element and a dynamic access element utilize dynamic data related to client operation (col. 12, lines 46-59; col. 13, lines 20-43).

Allowable Subject Matter

13. Subject to the above 112, 1st paragraph and 2nd rejections, claims 33-34 would be allowable over the prior art of record.

14. The following is a statement of reasons for the indication of allowable subject matter. Regarding claim 33, the limitation "the application using an initialization routine to register with a resource manager dynamic groups [function] that enable the application to assign temporary group membership based upon transient or changing factors to a client for the purpose of checking access rights and to register with said resource

manager dynamic access check callback functions that enable the application to perform customized procedures for checking access rights based on said transient or changing factors" in combination with "automatically invoking a dynamic access check callback function by access check application programming interfaces that initialize a client authorization context from a system level authorization context or a user's security identifier, whereby when a user attempts to connect to the application, the registered dynamic access check callback function is invoked such that the client context is augmented with client contextual data dynamically computed using said dynamic data" have not been taught by prior art. The closest prior art, Swift (6,308,274), discloses initializing a client authorization context from a system level authorization context or a user's security identifier and augmenting the client authorization context with client contextual data dynamically computed; however, Swift does not disclose performing those tasks by invoking a registered dynamic access check callback function.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,308,273 to Goertzel et al.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

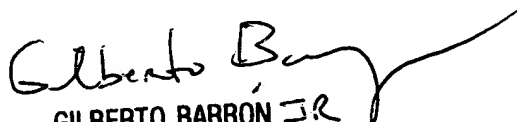
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD

Minh Dinh
Examiner
Art Unit 2132

3/13/07


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